

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

FIVE AXIS INDUSTRIES, INC., a
Washington corporation,

Plaintiff,

v.

GOSIGER MACHINE TOOLS, LLC, a
foreign limited liability company,

Defendant.

NO. 2:23-CV-01634-JHC

ORDER DIRECTING
PLAINTIFF/COUNTER-DEFENDANT FIVE
AXIS INDUSTRIES, INC. TO APPEAR AND
SHOW CAUSE WHY AN ORDER PUTTING
DEFENDANT IN IMMEDIATE
POSSESSION OF PROPERTY SHOULD
NOT BE ISSUED PURSUANT TO RCW
7.64.020 AND FED. R. CIV. P. 64

THIS MATTER comes before the Court on Defendant/Counter-Claimant Gosiger Machine Tools, LLC's ("Gosiger") Motion for an Order to Show Cause and Replevin Under RCW § 7.64.020 and Fed. R. Civ. P. 64.

Upon review of the parties' submissions relating to the motion, the Court **FINDS:**

1. Gosiger has sufficiently shown that it is lawfully entitled to the possession of the Okuma VTM-1200YB by virtue of a security interest and the parties' agreement, pursuant to RCW 7.64.020(2)(a);

ORDER DIRECTING PLAINTIFF/COUNTER-DEFENDANT TO
APPEAR AND SHOW CAUSE WHY AN ORDER PUTTING
DEFENDANT IN IMMEDIATE POSSESSION OF PROPERTY
SHOULD NOT BE ISSUED - 1
CASE NO. 2:23-CV-01634

1 2. Gosiger has sufficiently shown that Plaintiff/Counter-Defendant Five Axis
2 Industries, Inc. ("Five Axis") has wrongfully detained the Okuma VTM-1200YB, pursuant to
3 RCW 7.64.020(2)(b);

4 3. Gosiger has sufficiently shown that the Okuma VTM-1200YB has not been taken
5 for a tax, assessment, or fine pursuant to a statute and has not been seized under an execution or
6 attachment against the property of Gosiger, pursuant to RCW 7.64.020(2)(c);

7 4. Gosiger has sufficiently shown that the Okuma VTM-1200YB is valued at
8 approximately of \$994,875.00, pursuant to RCW 7.64.020(2)(d);

9 **Based on the above, the Court ORDERS the following:**

10 A. The Court shall hold a hearing on the matters set forth above at the **United States**
11 **Courthouse, 700 Stewart Street, Seattle, Washington, 98101-9906, on September**
12 **5, 2024, at 10:00 A.M.**

13 B. Five Axis shall appear at the hearing at this place, date, and time to show cause why
14 an order putting Gosiger in immediate possession of the Okuma VTM-1200YB
15 should not be issued.

16 C. If Five Axis fails to promptly turn over possession of the Okuma VTM-1200YB to
17 Gosiger or the United States Marshals, if an order awarding possession is issued
18 under RCW 7.64.035(1), Five Axis may be held in contempt of court.

19 D. The Clerk shall issue a certified copy of this Order to Gosiger for service upon Five
20 Axis.

21 E. Gosiger shall serve the certified copy of this Order, along with a copy of Jerry
22 Pressel's supplemental affidavit, upon Five Axis no later than five days before the
23 hearing date.

24 DONE this 21st day of August, 2024.
25
26

John H. Chun

JOHN H. CHUN

UNITED STATES DISTRICT JUDGE